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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 36 (WESTERN PENNSYLVANIA) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On September 9, 2009, the Region 36 (Western Pennsylvania)¹ 700 MHz Regional Planning Committee (RPC) (Region 36) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use² spectrum in the 769-775/799-805 MHz band for review and approval.³ For the reasons discussed below, we approve the Region 36 700 MHz Plan.

Background. In 1998, the Commission established a structure to allow RPCs optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.⁴ Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.⁵ The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.⁶

¹ The Region 36 (Western Pennsylvania) 700 MHz regional planning area includes thirty-nine (39) counties situated west of the Susquehanna River: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Cumberland, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, McKean, Mercer, Mifflin, Perry, Potter, Snyder, Somerset, Union, Venango, Warren, Washington, and Westmoreland. Region 36 shares a border with Canada at its northernmost border at Erie County.

² The General Use spectrum is administered by RPCs and is licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

³ See Letter from Randall J. Brozenick, Chair, Region 36 (Western Pennsylvania) 700 MHz Regional Planning Committee, to Public Safety and Homeland Security Bureau, Federal Communications Commission, PS Docket No. 06-229, WT Docket No. 02-378 (filed Sept. 9, 2009) (submitting regional plan).

⁴ See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *First Report and Order* and *Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000). See also 47 C.F.R. § 90.527.

⁵ See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/>.

⁶ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁷ The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

Plan Requirements. Each committee is required to submit its plan for the assignment of licenses for General Use spectrum.⁸ Each regional plan must contain certain elements⁹ and must be coordinated with adjacent regions.¹⁰ RPCs are expected to ensure that their committees are representative of all public safety entities in their regions by providing adequate notice of all meetings, opportunity for comment, and reasonable consideration of views expressed. Plans must include an explanation of how all eligible entities within the region were given such notice.¹¹ Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such as holding meetings in various parts of the region. In addition, a regional plan should describe outreach efforts made to tribal governments.¹²

Regional plans may differ in approaches to spectrum planning and management. In particular, some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties.¹³ However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the Commission's regional plan requirements.¹⁴ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹⁵

⁷ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

⁸ See 47 C.F.R. §§ 90.527, 90.531. The 700 MHz public safety band plan contains 24 MHz of spectrum for public safety services at 763-775 MHz and 793-805 MHz, and the narrowband allocation is divided into several segments by designated purpose: General Use, Interoperability, Secondary Trunking, State License, Low Power and Reserve channels.

⁹ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

¹⁰ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

¹¹ See *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84. The Commission directed RPCs to promptly adopt operating procedures that “ensure that all entities will be given reasonable notice of all committee meetings and deliberations.” *Id.* at 195 ¶ 86.

¹² *Id.* at 193-94 ¶ 84.

¹³ See Plan, Appendix H – Region 36 Channel Allotments at 130-139 (Region 36 allotments are by county, plus a five mile distance outside of the county jurisdictional boundary). The RPC utilizes the Computer Assisted Pre-coordination Resource and Database System (CAPRAD), a spectrum management tool provided by National Institute of Justice, National Law Enforcement and Corrections Technology Center. Access to the CAPRAD system is available at <http://caprad.nlectc.du.edu>.

¹⁴ See 47 C.F.R. § 90.527.

¹⁵ The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. In addition, the NCC was tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the

Review of the Region 36 700 MHz Plan. Region 36 convened its first meeting on May 14, 2008,¹⁶ wherein it elected its chairman, and established five subcommittees: Policy and Procedures, Implementation and Communications, Interoperability, Planning and Plan Writing, and Technical.¹⁷ The Plan includes By-laws,¹⁸ a detailed membership list,¹⁹ and meeting notices and summaries.²⁰ The Plan describes the procedures for requesting spectrum allotments,²¹ details the application review and scoring process,²² and outlines system implementation criteria and spectrum utilization.²³ The Pennsylvania State Interoperability Executive Committee (SIEC) administers the interoperability channels with assistance from the RPC.²⁴ In addition, the Plan provides guidelines for use of low power channels²⁵ and addresses the continued usage of the CAPRAD system.²⁶ The Plan was adopted by its members on January 21,

National Public Safety Telecommunications Council (NPSTC) agreed to continue to provide assistance to regional planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website at <http://www.npstc.org/nccsubcom.jsp>.

¹⁶ See Plan, Section 2.1 – Notification at 7; *see also* Plan, Appendix C – Meeting Notifications, Agenda and Summary of Meeting Minutes at 27-32 (notifications were published by FCC public notice and by placement in the *Association of Public Safety Communications Officials, Inc.*, and *Emergency Numbering Professional* magazines, and the *Pittsburg Post-Gazette* and *The Tribune-Review* newspapers).

¹⁷ See Plan, Appendix C – Meeting Notifications, Agenda and Summary of Meeting Minutes at 39 (May 14, 2008 Meeting Summary describing establishment of subcommittees and appointees).

¹⁸ See Plan, Appendix B – Region 36 By-Laws at 23-26.

¹⁹ See Plan, Appendix A – Membership List at 21-22.

²⁰ See Plan, Appendix C – Meeting Notifications, Agenda and Summary of Meeting Minutes at 27-32 (meetings were held at several locations to facilitate participation including: Clarion, Greensburg, New Castle, Uniontown, Westmoreland Community College, and Penn State at Clearfield).

²¹ See Plan, Section 3.1 – Procedure for Requesting Channels at 7-9 (includes application submission requirements and frequency coordination). *See also* Plan, Appendix D – Simplified Pre-assignment Rules at 82-101 (describing a method to establish guidelines for frequency coordination).

²² Section 4 – Priority Matrix at 14-16 (scoring based on system type, implementation factors, intersystem interoperability, loading requirements and system density/geographic efficiency).

²³ See Plan, Section 7 – System Design/Efficiency Requirements at 17-18.

²⁴ See Plan, Section 5 – Interoperability at 16 (the SIEC has delegated responsibility for review and approval of applications for the interoperability channels to the RPC). All mobile and portable units must be programmed with the minimum number of interoperability channels called for by SIEC. *See also* Plan, Appendix G – Table of Interoperability Channels at 127-128 (includes Project 25 Common Air Interface interoperability channel parameters).

²⁵ See Plan, Section 3.5 – Low Power Pool Channels at 11-13 (utilization of low power channels 1-8 paired with 961-968 and 949-958 paired with 909-918 for on-scene incident response, and low power itinerant channels 9-12 paired with 969-972 and 959-960 paired with 1919-1920 licensed for nationwide operation). *See also* Plan, Appendix I – List of Low Power Pool Frequencies at 141. *See also* 47 C.F.R. § 90.531(b)(3) narrowband low power channels subject to regional planning, and Section 90.531(b)(4) narrowband low power itinerant channels (transmissions are limited to an effective radiated power of no more than two (2) watts).

²⁶ See Plan, Section 5 – Procedures for Frequency Coordination at 11-12 (applications are submitted via the CAPRAD for Regional review, then to the designated FCC-certified frequency coordinator for technical review).

2009,²⁷ and the Region 36 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).²⁸

The Region 36 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁹ The Plan was coordinated with all five adjacent regions to Region 36: Region 20 (District of Columbia, Northern Virginia, and Maryland), Region 33 (Ohio), Region 44 (West Virginia), and Region 55 (New York-Buffalo).³⁰

On October 22, 2009, the Bureau released a *Public Notice* seeking comment on the Region 36 Plan.³¹ We received no comments. Based on our review of the plan, we conclude that it complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 36 (Western Pennsylvania) 700 MHz Public Safety Plan is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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²⁷ See Plan, Appendix C – Meeting Notifications, Agenda and Summary of Meeting Minutes at 77-78 (January 21, 2009 Meeting Summary).

²⁸ See Plan, Section 9 – Certification at 20 (dated January 23, 2009).

²⁹ See Plan, Appendix H – Region 36 Channel Allotments at 130-139.

³⁰ See Plan, Appendix E Adjacent Region Concurrences at 102-107; *see also* Plan, Appendix F – Intra-Regional Dispute Resolution Agreements at 108-122.

³¹ See Public Safety and Homeland Security Bureau Seeks Comments on Region 36 (Western Pennsylvania) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 12919 (PSHSB 2009). Comments were due November 12, 2009, and reply comments were due November 23, 2009.